

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications)	
and Energy to establish a surcharge to recover prudently)	
incurred costs associated with the provision of wireline)	D.T.E. 03-63
Enhanced 911 services, relay services for TDD/TTY users,)	
Communications equipment distribution for people with)	
Disabilities, and amplified handsets at pay telephones.)	

REPLY COMMENTS OF SPRINT COMMUNICATIONS COMPANY L.P.

Sprint Communications Company L.P. ("Sprint") respectfully submits these Reply Comments in the above-captioned matter in response to the initial comments of The Commonwealth of Massachusetts Office of the Attorney General ("Attorney General") and AT&T Communications ("AT&T") filed with the Department in this proceeding.

INTRODUCTION AND SUMMARY

AT&T, the Attorney General, and Sprint all raised different, but similar concerns in their initial comments regarding the accuracy of the data supporting the proposed \$.85 E911 surcharge. Like Sprint, AT&T and the Attorney General questioned the accuracy of Verizon's and the Statewide Emergency Telecommunications Board's ("SETB's") data submitted in this proceeding, and recommended a much closer analysis. As noted below, Sprint generally concurs with AT&T's and the Attorney General's comments. The Department should closely scrutinize Verizon's and SETB's proposal and underlying

data, through evidentiary hearings if necessary, and adjust the surcharge to account for any deficiencies in the data.

DISCUSSION

A. The Data Is Suspect and Unsubstantiated

Sprint and the Attorney General both raised similar points regarding the time period covered by this data. Just as Sprint raised concerns with the accuracy of using the same 2003 access line counts for a five year period, the Attorney General recommends calculating the E911 wireline interim surcharge to cover just fiscal year (FY) 2003 and FY 2004 instead of the full five-year planning period.¹

Similarly, Sprint and AT&T both raised similar points regarding additional revenues that should or should not be included in the calculations. Sprint remains concerned that applying the interim surcharge to wireless subscribers would result in over recovery of E911 costs given the existing 30 cent wireless E911 surcharge,² while AT&T raised a similar concern that Verizon's and SETB's proposal fails to account for CLEC revenues paid to Verizon pursuant to interconnection agreements to help defray E911 expenses.³ In either case, the revenue estimates and data could produce excessive funding.

Sprint agrees that Verizon's and SETB's proposed \$.85 surcharge should be further evaluated. All three parties raised valid concerns about the unsubstantiated data. The Department and the parties should have access to all underlying data and assumptions, through discovery and hearings if necessary. Auditing the data may also be necessary.

¹ See Initial Comments of Attorney General at 1, 3-4.

² See Sprint Comments at 4.

³ AT&T Comments at 3-4.

B. The Actual Amount of the Deficit Is Unknown

Sprint also concurs with the Attorney General and AT&T that the Department should fully investigate the deficit, through hearings if necessary.⁴ Without knowing the actual deficit that is to be addressed or remedied, it is impossible to establish an accurate E911 surcharge.

CONCLUSION

For the forgoing reasons and those noted in Sprint's and other parties' initial comments, the surcharge should exclude wireless carriers, whose customers already pay a 30 cent wireless surcharge in Massachusetts. The Department should closely scrutinize the accuracy of the data that Verizon and the SETB submitted in support of the \$.85 surcharge, and adjust the surcharge to correct any deficiencies in the data. Finally, the Department should conduct hearings and conduct an audit, if necessary, to more closely evaluate the data and its underlying assumptions.

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Respectfully submitted,

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⁴ AT&T Comments at 2; Attorney General Comments at 1, 4.